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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,770	10/11/2000	Hiroyasu Kuramatsu	Q61175	5048

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Sughrue Mion Zinn MacPeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

PRIZIO JR, PETER

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,770

Applicant(s)

KURAMATSU, HIROYASU

Examiner

Peter Prizio

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 08 April 2004.

Claim Status

2. Claims 1 – 30 are pending.
3. Claims 1 – 30 are rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 – 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,970,419 to Terashima et al. (Terashima) in view of US Patent Application Publication 2003/0197719 to Lincke et al. (Lincke).
6. Regarding claim 1, Terashima discloses a communication terminal device comprising: a display (16) for displaying information such as characters (see Fig. 5); an input (14) for receiving input of operation information; a processor (31) for generating information based on operation information of the input (14); and light-emitting (44a, 44b, 44n) for lighting at least either display (16) or input (14); a reception (11) for

receiving data; a light-emission control (circuit Scb) for stopping light-emission by light emitting (44a through 44n, col. 2, lines 10-15, and abstract). Terashima substantially teaches the above claimed limitations except for teaching a "reception means for receiving data described in a predetermined information description language based on said operation information; code detection means for detecting a predetermined code of the end of contents data received by the reception means and light-emission control means for stopping light-emission by said light-emitting means upon start of the reception of said data by said reception means and starting light-emission by said light-emitting means upon detection of said predetermined code by said code detection means".

However, Lincke discloses a controller for a communication terminal device that includes a reception means (paragraph 7) for receiving data ('information') described in a predetermined information description language (paragraph 9 'HTML') based on said operation information; code detection means (paragraph 517, detection for end-of file code) for detecting a predetermined code of the end of contents data received by the reception means (paragraph 517, 'end-of-file indication') and control means for stopping upon detection of said predetermined code by said code detection means (paragraph 517, where the code is received and the transmission is shut down ultimately saving power as suggested in paragraph 57).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication device of Terashima to utilize the reception means as disclosed by Lincke where the reception means is provided to

receive data as well as voice that can control light-emitters when a predetermined code has been detected. Further, though it is not particularly disclosed to turn off the light emitters during the reception, one could be so inclined to control the power of the light-emitters when a code is detected in any way for the benefit of saving power.

7. As to claim 2, Terashima discloses a communication terminal device, wherein communication type determination means for determining whether call is to be made by voice information or data is to be received, and a light-emission control (circuit Scb) for stopping light-emission by light emitting (43a through 43n) upon start of the reception of data (col. 2, lines 10-15). Lincke (Fig. 4) discloses a controller for a communication terminal device that includes a detector (paragraph 517, detection for end-of file code) that detects a predetermined code (paragraph 517) via a transmitter/receiver (440) and starts lighting upon detecting predetermined code (though it is not particularly disclosed to turn off the light emitters during the reception, one could be so inclined to control the power of the light-emitters when a code is detected in any way for the benefit of saving power)

8. Regarding claims 3-9 (WML), a Java class, an extensible markup language (XML) or the like. Terashima discloses a communication terminal device, wherein a time counting (27) for starting counting time from when the operation information is input (14) and a lighting control circuit Scb is provided to stopping light-emission by light emitting and an RF timing signal oscillator (28) controlled by the control section (26) and the baseband signals such as the audio signals and data are processed for transmit or receive and exchange back and forth with transceiver circuit (21), it is well known in the

communication terminal device for providing direction to a location receiving contents data described in an language be a hypertext markup language (HTML), a wireless markup language and is further supported by Lincke (paragraph 168).

9. Claim 10 shares similar limitations to those in claim 1 and therefore the rationale for rejection will be the same.

10. Claim 11 shares similar limitations to those in claim 5 and therefore the rationale for rejection will be the same.

11. Claim 12 shares similar limitations to those in claim 2 and therefore the rationale for rejection will be the same.

12. Claim 13 shares similar limitations to those in claims 11 and 12 and therefore the rationale for rejection will be the same.

13. Claim 14 shares similar limitations to those in claim 3 and therefore the rationale for rejection will be the same.

14. Claim 15 shares similar limitations to those in claim 6 and therefore the rationale for rejection will be the same.

15. Claim 16 shares similar limitations to those in claim 8 and therefore the rationale for rejection will be the same.

16. Claim 17 shares similar limitations to those in claim 9 and therefore the rationale for rejection will be the same.

17. Claim 18 shares similar limitations to those in claim 1 and therefore the rationale for rejection will be the same.

18. Claim 19 shares similar limitations to those in claim 2 and therefore the rationale for rejection will be the same.

19. Claim 20 shares similar limitations to those in claim 3 and therefore the rationale for rejection will be the same.

20. Claim 21 shares similar limitations to those in claim 10 and therefore the rationale for rejection will be the same.

21. Claim 22 shares similar limitations to those in claim 5 and therefore the rationale for rejection will be the same.

22. Claim 23 shares similar limitations to those in claim 1 and therefore the rationale for rejection will be the same.

23. Claim 24 shares similar limitations to those in claim 2 and therefore the rationale for rejection will be the same.

24. Claim 25 shares similar limitations to those in claim 1 and therefore the rationale for rejection will be the same.

25. **Claims 26 – 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashima in view of Lincke and further in view of US patent 6287887 to Son et al. (Son).

26. Regarding claim 26, Terashima in view of Lincke fail to teach the interval between said stopping of light-emission and said starting of light-emission is configured such that said light-emission does not appear to be continuous. However, Son teaches a communication terminal that includes a display backlight shut-off feature (column 4,

lines 35 – 42) where a number of power-saving schemes are taught that include turning off the backlight. Though it does not specifically describe turning off the backlight during reception of data, it does describe turning off the backlight during the reception of voice data (column 6, lines 10 – 21) where it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power saving scheme as taught by the combination of Terashima in view of Lincke where the backlight is pulsed off to save power during reception of data to a power saving scheme similar to that outlined in Son where the backlight is turned off until all data has been received for the benefit of further reducing the power consumption of the backlight (column 1, lines 40 – 56)

27. Claim 27 shares similar limitations to those in claim 26 and therefore the rationale for rejection will be the same.

28. Claim 28 shares similar limitations to those in claim 26 and therefore the rationale for rejection will be the same.

29. Claim 29 shares similar limitations to those in claim 26 and therefore the rationale for rejection will be the same.

30. Claim 30 shares similar limitations to those in claim 26 and therefore the rationale for rejection will be the same.

Response to Arguments

31. Applicant's arguments, see amendment pages 19 and 21, filed 08 April 2004, with respect to the rejection(s) of claim(s) 1, 10, 18, 21 and 25 under U.S.C. 103(a) have

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been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Son et al.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,523,062 to Bridgman et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Prizio whose telephone number is (703) 305-5712. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Prizio
Examiner
Art Unit 2674

Prizio
November 22, 2004

PP

Henry N. Tran

HENRY N. TRAN
PRIMARY EXAMINER